

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY GILMORE,	:
Petitioner	:
	: Civil Action No. 04-358E
v.	:
	:
MARILYN S. BROOKS, SUPERINTENDENT	:
OF THE STATE CORRECTIONAL	:
INSTITUTE AT ALBION,	:
Respondent	:
And	:
BRADLEY FAULK, DISTRICT ATTORNEY	:
FOR ERIE COUNTY, AND THOMAS	:
CORBETT, ATTORNEY GENERAL OF THE	:
THE COMMONWEALTH OF PENNSYLVANIA,	:
Additional Respondents	:

O R D E R

AND NOW, this day of , 2006, upon careful consideration of Petitioner Anthony Gilmore's Objections to the Magistrate's Report and Recommendation, the Magistrate's Report and Recommendation, and there having been no objections filed by Respondents as to Petitioner's request to amend his § 2254 habeas petition, his amended habeas petition, nor his multiple request for additional time to file a brief in support of said petition, **IT IS HEREBY ORDERED** that Petitioner Anthony Gilmore's Objections to the Magistrate's Report and Recommendation are **SUSTAINED**.

IT IS FURTHER ORDERED that:

1. The matter be remanded back to the magistrate judge. Upon remand an evidentiary hearing shall be

scheduled for purposes of determining the instant petition's timeliness;

2. counsel shall be appointed to represent Petitioner Gilmore during the proceedings; and

3. thereafter, the magistrate judge shall issue a new report and recommendation addressing each of Petitioner Gilmore's claims.

IT IS SO ORDERED.

BY THE COURT

Sean J. McLaughlin, J.
United States District Judge

Distribution:

Anthony Gilmore
Inmate No. EB-8234
SCI Albion
10745 Route 18
Albion, PA 16475-0002

Raquel L. Cross, Esquire, ADA
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Erie County Courthouse
140 West 6th Street
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The Honorable Susan Paradise Baxter,
Chief U.S. Magistrate Judge